

WATER POLLUTION CONTROL PROGRAM
Missouri General Water Quality Certification Conditions for NWP 3
(Maintenance)

Pursuant to Section 401 of the Clean Water Act of 1972 the following best management practices are included as conditions in the Section 404 U.S. Army Corps of Engineers' Nationwide Permit (NWP). These conditions ensure that maintenance activities do not violate the Water Quality Standards of the State of Missouri resulting in permanent damage to habitat, increased turbidity, reduced bank and channel stability, and impacts to the biological and chemical integrity of the waterbody. Jurisdictional definitions for this activity are explained in the NWP.

Any land disturbance activities disturbing one or more acres of total area for the entire project requires a storm water permit from the Water Pollution Control Program for land disturbance activities. Note that this is one acre of area disturbed for the total project, not one acre of waters of the United States. For questions, please contact the Water Pollution Control Program's Permit Section at (573) 751-6825.

Petroleum products spilled into any waterbody or on the banks where the material may enter waters of the state shall be immediately cleaned up and disposed of properly. Any such spills of petroleum shall be reported as soon as possible to the Missouri Department of Natural Resources' 24-hour Environmental Emergency Response number at (573) 634-2436.

Pursuant to Chapter 644.038, RSMo, the department certifies this nationwide permit without conditions for the construction of highways and bridges approved by the Missouri Highway and Transportation Commission, as it applies to impacts in all waters of the state.

1. This certification does not allow the filling of a jurisdictional spring or a spring with connectivity to a jurisdictional stream.
2. This NWP shall not be used for channelization or channel modification purposes because of cumulative impacts to watersheds, including flooding, bank instability, loss of aquatic habitat (pool and riffle complexes), bed degradation, loss of storm water retention and loss of riparian areas. For purposes of this certification, channel modifications are any activity that alters the width, depth, length and/or sinuosity of a waterway. This would include, but is not limited to, moving, shortening, cutting off, straightening, widening or modifying the cross section of or fills in a stream channel, whether natural or previously altered. This would not include bank sloping activities for bank stabilization activities covered under NWP 13.
3. Silt, sediment, and debris removal shall be limited to a maximum of 50 linear feet upstream and downstream of structures.
4. During dewatering, water should not be returned directly to the waterway but shall be pumped upland and filtered through an appropriate treatment device as prescribed in any existing separate permit authorizing the discharge of return water.

5. Care shall be taken to keep machinery out of the waterway as much as possible. Fuel, oil and other petroleum products, equipment and any solid waste shall not be stored below the ordinary high water mark at any time or in the adjacent floodway beyond normal working hours. All precautions shall be taken to avoid the release of wastes or fuel to streams and other adjacent waterbodies as a result of this operation.
6. Clearing of vegetation/trees shall be the minimum necessary to accomplish the activity.
7. The riparian area, banks, etc., shall be restored to a stable condition to protect water quality as soon as possible. Seeding/planting of native vegetation, mulching and needed fertilization shall be within three days of final contouring, or as soon as possible as seasonal timing permits. On-site inspections of these areas shall be conducted by the permittee as necessary to ensure successful revegetation and stabilization, and to ensure that erosion and deposition of soil in waters of the state is not occurring from this project.
8. Only clean, nonpolluting fill shall be used.
9. Work shall be conducted during low flow whenever possible.
10. The following materials are not suitable for bank stabilization and should not be used due to their potential to cause violations of the general criteria of the Water Quality Standards, 10 CSR 20-7.031 (A) – (H):
 - a. Earthen fill, gravel, broken concrete where the majority of material is less than 12 inches in diameter, and fragmented asphalt, since these materials are usually not substantial enough to withstand erosive flows;
 - b. Concrete with exposed rebar;
 - c. Tires, vehicles or vehicle bodies, construction or demolition debris are solid waste and are excluded from placement in the waters of the state; and
 - d. Liquid concrete, including grouted riprap, if not placed as part of an engineered structure.

Recycled concrete may be used provided that it is clean material broken into appropriately sized pieces (greater than 12 inches) of riprap with no protruding rebar.

11. Instream culverts shall be sized and placed to maintain a depth of water at least as deep as the channel directly upstream of the crossing. Structures creating water velocities in excess two feet per second during average annual discharge shall be avoided. If preconstruction velocities exceed two feet per second, then structures shall not increase existing velocities. There shall be no drop between the downstream end of the culverts and the downstream water surface elevation.

12. The permittee must notify the District Engineer (Corps of Engineers) when repairing, rehabilitating or replacing low water crossings if: discharges of fill or dredged material would raise or lower the lowest elevation of the crossing by a total of 12 inches or more, or when removing the structure. The permittee must propose and employ measures to mitigate the potential impact of impounding gravel above the low water crossing or of releasing impounded gravel downstream of the structure. Such mitigation might include: removing impounded gravel in the unstable area upstream of the low water crossing to prevent it from being transported downstream and/or constructing a notched weir to slow the release of impounded gravel from upstream of the low water crossing.
13. Stream crossings shall be designed so that they do not create drops/dams or create other impediments to fish passage.
14. This Water Quality Certification is not valid for any Section 404 permit issued on a water that:
 - a. Is listed as impaired pursuant to Section 303(d) of the Clean Water Act, or
 - b. If the activities are located in or occur within two miles upstream of a designated outstanding state or national resource area (10 CSR 20-7.031).

Waters listed on the 303(d) list or Outstanding National/State Resource Waters (10 CSR 20-7, Tables D, E) can be found at http://www.dnr.state.mo.us/wpscd/wpcp/tmdl/tmdl_list.pdf, and page 28 at <http://www.sos.state.mo.us/adrules/csr/current/10csr/10c20-7b.pdf>, respectively, or by calling the Water Pollution Control Program at (573) 751-7428. If more detail than what is provided at these web sites is needed to precisely pinpoint your location please call (573) 522-2552.